

Service Date: July 24, 2003

FINAL ORDER NO. 6536

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF **Darrell A. Hegel dba D. C. Cab**, Columbia Falls, Montana, Application for a Montana Intrastate Certificate of Public Convenience and Necessity.)
Docket No. T-03.4.PCN
Order No. 6536

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 27, 2003, **Darrell A. Hegel dba D. C. Cab**, PO Box 1534, Columbia Falls, Montana 59912, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers between all points and places in Columbia Falls, Montana and a fifty (50) mile radius thereof. LIMITATION: Transportation is limited to Flathead County, Montana.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public February 7, 2003. That notice said in pertinent part:

If no written protests are received by February 26, 2003, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, Valet Limousine, Inc., Missoula, Montana, Flathead Glacier Transportation LLC, Whitefish, Montana, Adam, Inc. dba Wild Horse Limousine & Carriage Co., Kalispell, Montana and Louis W. and Geneva L. Webster dba The Great Northern Taxi, Whitefish, Montana.

4. Protests by Valet Limousine, Inc., Missoula, Montana and Adam, Inc. dba Wild Horse Limousine & Carriage Co., Kalispell, Montana were withdrawn after the Applicant restrictively amended the application. The amendment, prohibiting operations as a limousine service, is incorporated into the Order granting authority herein.

5. Notice of Public Hearing was issued June 20, 2003, with hearing scheduled for July 16, 2003 in Columbia Falls, Montana. Applicant, represented by Daniel R. Wilson and James E. Michael on behalf of Flathead Area Custom Transportation, Inc. and Louis W. Webster on behalf of The Great Northern Taxi appeared and testified at the hearing. Several shipper witnesses appeared and testified in support of the application.

6. Subsequent to the hearing, applicant and protestants appearing at the hearing agreed to a limited grant of authority to the applicant. The parties stipulated to a Final Order and waived a recommended decision. A stipulation was filed with the Commission. That stipulation, as well as other agreements reached among the parties, are incorporated into the Order granting authority herein.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday the 29th day of July, 2003 there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-03.4.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Darrell A. Hegel dba D. C. Cab**, Columbia Falls, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B – Passengers within the City of Columbia Falls, Montana and a fifty (50) mile radius thereof. LIMITATIONS: 1)Transportation must originate within Columbia Falls and a nine (9) mile radius thereof and must terminate in Flathead County. 2) Transportation as a limousine is prohibited. 3) Transportation originating in Kalispell, Bigfork or Whitefish is prohibited except as part of a return trip, first originating in Columbia Falls, Montana or a nine (9) mile radius thereof. 4) Transportation as a Medicaid provider is prohibited. 5) Transportation is limited to the use of seven (7) passenger vehicles, or less, with the exception of children and attendants to or from Big Mountain. 6) Transportation of Burlington Northern train crews is prohibited. 7) Transportation originating at Glacier Park International Airport must terminate in Columbia Falls, Montana and a nine (9) mile radius thereof.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 22nd day of July, 2003, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-03.4.PCN in the matter of **Darrell A. Hegel dba D. C. Cab**, Columbia Falls, Montana, has today been sent to all parties listed.

MAILING DATE: July 24, 2003

FOR THE COMMISSION

FIRST CLASS MAIL

Darrell A. Hegel
dba D.C. Cab
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Columbia Falls, MT 59912

Flathead Glacier Transportation LLC
PO Box 1707
Whitefish, MT 59937

Louis W. and Geneva L. Webster
dba The Great Northern Taxi
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Flathead Area Custom Transportation, Inc.
dba Kalispell Taxi & Airport Shuttle Service
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AS ITS INTERESTS MAY APPEAR:

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